



STATE OF NEW YORK

UNEMPLOYMENT INSURANCE APPEAL BOARD

PO Box 15126

Albany NY 12212-5126

DECISION OF THE BOARD

Mailed and Filed: SEPTEMBER 28, 2022

IN THE MATTER OF:

Appeal Board No. 624302

PRESENT: GERALDINE A. REILLY, MEMBER

The Department of Labor issued the initial determination disqualifying the claimant from receiving benefits, effective February 1, 2022, on the basis that the claimant voluntarily separated from employment without good cause. The claimant requested a hearing.

The Administrative Law Judge held a telephone conference hearing at which all parties were accorded a full opportunity to be heard and at which testimony was taken. There was an appearance by the claimant. By decision filed April 29, 2022 (), the Administrative Law Judge sustained the initial determination.

The Appeal Board, on its motion pursuant to Labor Law § 620 (3), has reopened and reconsidered the Judge's decision.

Based on the record and testimony in this case, the Board makes the following

FINDINGS OF FACT: The claimant was employed by a home health care agency as a home health care aide for approximately one year until January 31, 2021. She was assigned to care for her mother. Her mother wanted to go to South Carolina to visit the claimant's daughter. The employer allowed the claimant to continue the assignment in South Carolina for one month. Thereafter, on January 31, the claimant informed the employer that her mother was going to relocate to South Carolina and was not going to return to New York. The employer did not offer the claimant any other assignments.

OPINION: The evidence credible establishes that the claimant worked for a home health care agency and was assigned to care for her mother. Her assignment ended when the employer ceased offering her work after she informed it that her mother would not be returning to New York. The Board has held that at the end of an assignment, there is no employment relationship until the claimant receives a new assignment (See Appeal Board No. 553367). As the employment relationship ended at the conclusion of the assignment, we conclude that the claimant did not voluntarily separate from her employment without good cause.

DECISION: The decision of the Administrative Law Judge is reversed.

The initial determination, disqualifying the claimant from receiving benefits, effective February 1, 2022, on the basis that the claimant voluntarily separated from employment without good cause, is overruled.

The claimant is allowed benefits with respect to the issues decided herein.
(Al reclamante se le asignan beneficios con respecto a los temas decididos en el presente.)

GERALDINE A. REILLY, MEMBER